

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1561

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-28-33 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 33. High Speed Internet Service Deployment and Adoption Initiative

Sec. 1. As used in this chapter, "GIS" refers to the statewide geographic information system created under section 3 of this chapter.

Sec. 2. As used in this chapter, "high speed Internet service" means a connection to the Internet that provides capacity for transmission at an average speed of at least three hundred eighty-four (384) kilobits per second downstream, regardless of the technology or medium used to provide the connection.

Sec. 3. (a) The corporation shall develop a high speed Internet service deployment and adoption initiative that includes the creation of a statewide geographic information system (GIS) of available telecommunications and information technology services, including high speed Internet service.

(b) The corporation shall map the availability of broadband service by census blocks established by the Bureau of the Census and depicted in the GIS. A map created under this subsection may:

(1) include the percentage of households that have access to

C
o
p
y



broadband service; and

(2) use the Federal Communications Commission benchmark rates for broadband service to identify different speed tiers.

(c) After creating the map under subsection (b), the corporation shall update the GIS at least every six (6) months. This subsection expires December 31, 2010.

(d) The corporation shall share the map created under subsection (b) and the GIS, including updates, with the Indiana Geographic Information Council (as referred to in IC 4-23-7.3-6) as a data layer to the statewide base map (as defined in IC 4-23-7.3-11).

Sec. 4. (a) A person or entity that provides data or other information to the corporation for inclusion in the GIS may designate the data or information as confidential for any purpose, including for purposes of IC 5-14-3-4.

(b) The corporation shall, upon request, enter into a nondisclosure agreement with a person or entity described in subsection (a) concerning proprietary information submitted to the corporation by the person or entity.

Sec. 5. The corporation may enter into a contract to develop all or part of the initiative described in section 3 of this chapter.

Sec. 6. The corporation may apply for state broadband data and development grants under the federal Broadband Data Improvement Act and the American Recovery and Reinvestment Act of 2009.

Sec. 7. This chapter may not be construed as authorizing the corporation to regulate communications service providers (as defined in IC 8-1-32.5-4).

Sec. 8. In implementing this chapter, the corporation shall consult with the Indiana finance authority to avoid unnecessary duplication of efforts under this chapter and IC 8-1-33.

Sec. 9. The corporation shall establish the following priorities in developing and implementing the high speed Internet service deployment and adoption initiative:

(1) First, extending the deployment of high speed Internet service to areas where:

(A) Internet connections are unavailable; or

(B) the only available Internet connections provide capacity for transmission at an average speed of less than two hundred (200) kilobits per second downstream.

(2) Second, extending the deployment of high speed Internet service to areas where the only available Internet connections

C
o
p
y



provide capacity for transmission at an average speed of:

(A) not less than two hundred (200) kilobits; and

(B) not more than one and five-tenths (1.5) megabits;
per second downstream.

(3) Third, supporting programs to promote broadband adoption throughout Indiana.

Sec. 10. The corporation is designated as the single eligible entity to receive a grant under 47 U.S.C. 1304.

SECTION 2. IC 8-1-33-8, AS ADDED BY P.L.235-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this chapter, "broadband services" includes services, including voice, video, and data, that provide capacity for transmission of more than ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits per second in at least one (1) direction regardless of the technology or medium used, including wireless, copper wire, fiber optic cable, or coaxial cable. If voice transmission capacity is offered in conjunction with other services using transmission of more than ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits per second, the voice transmission capacity may be less than ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits per second. The authority shall annually reconsider the ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits threshold under this section with a bias toward raising the threshold in a manner consistent with technological advances.

SECTION 3. **An emergency is declared for this act.**

**C
o
p
y**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

**C
o
p
y**

HEA 1561 — Concur+

